

AMENDED IN SENATE JULY 1, 2004
AMENDED IN ASSEMBLY MAY 20, 2004
AMENDED IN ASSEMBLY MAY 12, 2004
AMENDED IN ASSEMBLY APRIL 20, 2004
AMENDED IN ASSEMBLY APRIL 12, 2004
AMENDED IN ASSEMBLY APRIL 1, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2943

**Introduced by Assembly Member Pavley
(Coauthor: Assembly Member Levine)**

February 20, 2004

An act to add Article 9 (commencing with Section 124172) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, relating to vaccinations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2943, as amended, Pavley. Mercury-containing vaccines.

Existing law requires the State Department of Health Services to maintain a program of maternal and child health.

This bill, *with certain exemptions*, would prohibit, on and after ~~January~~ July 1, 2006, a person who is pregnant or who is under 3 years of age from being vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than a specified amount of mercury.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 124172) is added to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, to read:

Article 9. Mercury-Containing Vaccines

124172. (a) On and after ~~January~~ July 1, 2006, a person who is pregnant or who is under three years of age may not be vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than 0.5 micrograms of mercury per 0.5 milliliter dose.

(b) *The Secretary of the Health and Human Services Agency may exempt the use of a vaccine from this section if the secretary finds, and the Governor concurs, that an actual or potential bioterrorist incident or other actual or potential public health emergency, including an epidemic or shortage of supply of a vaccine that would prevent children under three years of age and pregnant women from receiving the needed vaccine, makes necessary the administration of a vaccine containing more than 0.5 micrograms of mercury per 0.5 milliliter dose. The exemption shall meet all of the following conditions:*

(1) *It shall not be issued for more than 12 months.*

(2) *At the end of the effective period of the exemption, the secretary may issue another exemption for up to 12 months for the same incident or public health emergency, if the secretary makes a determination that the exemption is necessary as set forth in this subdivision, the Governor concurs with the exemption, and the secretary notifies the Legislature and interested parties pursuant to paragraphs (3), (4), and (5).*

(3) *Upon issuing an exemption, the secretary and the Governor shall, within 48 hours, notify the Legislature about the exemption and about the secretary's findings justifying the exemption's approval.*

1 (4) *Upon request for an exemption, the secretary shall notify*
2 *interested parties, who have expressed their interest to the*
3 *secretary in writing, that an exemption request has been made.*

4 (5) *Upon issuing an exemption, the secretary shall, within*
5 *seven days, notify interested parties, who have expressed their*
6 *interest to the secretary in writing, about the exemption and about*
7 *the secretary's findings justifying the exemption's approval.*

